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August 22, 2023

VIA ECF

Hon. Cathy L. Waldor, USMJ
United States District Court
District of New Jersey
MLK Bldg. & US Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Timothy H. Alexander, Esq. v. Town of Guttenberg, Lugo, Rysiec et al.
Case No. 2:21-cv-15002-JMV-CLW

Dear Judge Waldor:

In response to correspondence issued by the Hudson County Prosecutor's Office ("HCPO") (Docket 81) and given that a conference is scheduled before the Court on August 30, 2023 at 10:30 a.m., we are willing to temporarily withdraw the subpoena served on Lt. Michael Signorile. Please note that the deposition was scheduled to occur on August 28, 2023 *upon the advice of Mr. Libretti* via his email to plaintiff dated July 17, 2023. In fact, it was Mr. Libretti's July 17, 2023 email providing us several dates on which both he and Lt. Signorile were available to sit for the deposition which caused us to seek adjournment of the previously scheduled July 27, 2023 conference with the Court. Thereafter, the HCPO decided otherwise, and advised that it was no longer agreeable to produce Lt. Signorile.

We are aware how busy the Court is and do not wish to cause any issues and are willing to withdraw the current subpoena in order that it be addressed during the scheduled conference on August 30, 2023. That said, we are filing this response in order to correct several misstatements and assertions of Mr. Libretti. The primary misstatement is that Mr. Alexander did not file complaints with the HCPO at the time of the assault, and the false police reports to cover-up the assault and in order to support the malicious prosecution. Contrary to the assertion of HCPO, such complaints were in fact filed by both Mr. Alexander's counsel and by Mr. Alexander; notice of which was provided directly to both Lt. Signorile and to Prosecutor Ester Suarez. Mr. Alexander also emailed his formal IA Complaint form to Sgt. Russo and to the HPCO on both January 10, 2021 and again, on July 17, 2021. How Plaintiff could have provided more notice is difficult to imagine.

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We also need to correct another misimpression given to the Court by HCPO. We do not seek to do any of the things Mr. Libretti speculates we wish to do in our seeking Lt. Signorile's deposition. More specifically, we are not seeking to convert Lt. Signorile to our expert witness. We already have police expert Richard Rivera who has been previously identified to defendants.

Accordingly, we are happy to withdraw the current subpoena (returnable on August 28, 2023 – a date selected by Mr. Libretti) – in order to avoid any need to reschedule our current August 30 conference and hope this meets with the Court's approval. We are able to supplement this response as helpful and thank you for your attention.

Respectfully submitted,
PERI STEWART MALIA

A handwritten signature in black ink, appearing to read 'Michael T. Stewart', written over the printed name.

Michael T. Stewart

Cc: All counsel (via email and ECF)